

**WILLIAMSBURG
BOARD OF ZONING APPEALS
MINUTES**

March 5, 2002

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, March 5 at 3:00 p.m. in Conference Room 3B, Third Floor, Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Carr, Chohany, Kafes, and White. Absent was Board member Knudson. Also present were Zoning Administrator Murphy and Secretary Scott.

CALL TO ORDER AND MINUTES

Chairman Kafes called the meeting to order.

Mr. Chohany moved that the minutes be approved as submitted. The motion carried by viva voce vote.

PUBLIC HEARINGS

BZA #04-02: Request of the Quality Inn Lord Paget for a variance from Section 21-747 to have two signs for the business when the Zoning Ordinance allows only one free-standing or monument sign for a single business on a lot. The applicant received approval from the Architectural Review Board for a new monument sign for Quality Inn due to a change in colors and logo on December 11, 2001, which requires the second sign to be removed. The property is located at 901 Capitol Landing Road, Williamsburg Tax Map Number 408-(0A)-00-018 is zoned Tourist Business District B-2 and is located in the Corridor Sign District. Approved with Conditions.

Chairman Kafes introduced the case and invited the applicant/applicant's representative to comment.

Applicant's representative Newport Hospitality Group's Marsha Funke and Lord Paget's motel supervisor, Andy Simasek, were present and spoke on behalf of the Group and the request for a variance.

Mr. Simasek stated that the motel was built in 1955 by Mr. Haynes and since his passing has been owned by his daughters who live there. He said the sign that has been there more than ten years, is more a landmark than merely a sign. There are many returning visitors to the motel who count on the sign as a locator and there is also a lot of emotional equity in the sign. Mr. Simasek said the motel is unique and the owners have gone out of their way to preserve and protect its

vintage appearance and ambience. He added that the current sign is compatible with the structure, which is more “Lord Paget” than “Quality Inn”.

Chairman Kafes opened the public hearing.

There being no comment the public hearing was closed.

The following points were noted by Board members during discussion:

- There is financial as well as emotional equity in the sign because it is a dependable landmark for customers.
- Approximately 20-25% of customers are returnees.
- A building-mounted sign would distract from the appeal of the building.
- In the “Intent” statement of the Sign Ordinance, the importance of consistent signage is stated, and that signage must be appropriate and not detrimental to the neighborhood in which it’s located.
- Concern with a precedent being set if this request is approved.
- Mr. Chohany stated that although he will abstain from voting on this case because he has a conflict of interest, as a restaurateur he agrees that a sign can hold substantial sentimental value.

Mrs. White moved to grant the variance requested by the applicant to permit the “Lord Paget Motor Inn” sign to remain based on Zoning Ordinance Section 21-97(b)2 “No such variance shall be authorized by the Board unless it finds, and it does so find:

- a. That the strict application of this chapter would produce undue hardship.
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.”

The motion included the following conditions:

- The sign remaining in its current location;
- The new sign approved by the Architectural Review Board being located where the existing second sign is located at the intersection of Forest Hill Drive and Capitol Landing Road;
- That any change in name of the business would require that the “Lord Paget” sign be removed; and
- If the sign is damaged to an extent greater than 50% of its current replacement cost, it shall be removed.

Mr. Kafes seconded the motion which carried by roll call vote of 3-0-1.

Recorded vote on the motion:

Aye: Carr, Kafes, White
No: None
Abstain: Chohany
Absent: Knudson

BZA #05-02: Request of Capitol Landing Development, Inc. for a special exception request from Section 21-702 of the Zoning Ordinance to establish cooperative parking between to adjoining parcels. Specifically the applicant would like to subdivide the property into two parcels thereby establishing cooperative parking between the two lots by a cross easement agreement. The property is located at 802 Capitol Landing Road, Williamsburg Tax Map Number 438-(12)-00-B and is zoned Tourist Business District B-2. Approved with Conditions.

Mark Rinaldi, representing Canavos Properties, Inc., and Dean and Chris Canavos, owners, were present at the meeting. Mr. Rinaldi gave a brief overview of the proposal for a special exception for cooperative parking between the two adjoining parcels at 802 Capitol Landing Road.

Chairman Kafes opened the public hearing.

There being no comment the public hearing was closed.

Discussion among Board members noted the following points:

- The cooperative parking area will be more attractive for future development
- This proposal includes more open space (27%) than the 20% required by the B-2 zoning district
- Assurances to be made that cross easements will be recorded along with the plat in perpetuity
- Concern that at this point in time there is no indication of what future development will be at this site
- Noted that in Section 21-97(f)(3) of the Zoning Ordinance it states that "Such parking spaces shall be conveniently and safely accessible to pedestrians."
- Sixty-two spaces are needed to fulfill the ordinance and sixty-five are proposed
- Site location has no wetlands so there is no Chesapeake Bay issues

Mr. Carr moved to approve the special exception to establish a cooperative parking agreement between the two parcels at 802 Capitol Landing Road based on fulfillment of Zoning Ordinance 21-97(f) 2 that states:

1. It is designated, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property;
2. It does not unreasonably impair an adequate supply of light and air to adjacent property;
3. It does not increase public danger from fire or otherwise unreasonably restrict public safety;
4. It does not impair the established property values in surrounding areas.

The motion contained the following conditions:

- The cooperative parking meeting Section 21-702 of the Zoning Ordinance;
- That the City Attorney approve the Declaration of Covenants and Conditions and that these Covenants and Conditions are recorded with the subdivision plat;
- That the Planning Commission approve the location of future shared parking on the larger parcel and the restaurant parcel when the larger parcel is developed to ensure that the parking spaces are conveniently and safely accessible to pedestrians.

Mrs. White seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye: Chohany, Carr, Kafes, White
No: None
Absent: Knudson

BZA #06-02: Request of Brian Glennly for a variance from Section 21-167(2) of the Zoning Ordinance to allow an accessory building to be located 1.9 feet from the side property line instead of three feet as required by the Zoning Ordinance. The property is located at 525 Newport Avenue, Williamsburg Tax Map Number 495-(15)-00-024>26 and is zoned Single Family Dwelling District RS-2. Withdrawn by applicant.

Owner Brian Glennly and neighbor Charlie Hodges, 523 Newport Avenue, were present at the meeting to comment on the storage shed, which has been partially constructed at the Glennly home. Mr. Glennly stated that he and Mr. Hodges have met and discussed the impact the accessory building will have on the Hodges' property.

Chairman. Kafes opened the public hearing.

Neighboring property owner Charles Hodges noted that his property is three feet lower than his neighbor's yard and the shed prohibits sun from reaching his 30-year-old hedge that is on the property line. He said the storage shed is within one foot of the property line and he politely requests that it be moved back the

required three feet. Mr. Hodges stated that he understands that Mr. Glenny plans to install a six-foot high fence along the rear of his property and that this additional fencing will be stylistically compatible with the existing fencing. He added that he is concerned that the hedge he helped his father plant 30 years ago will begin to deteriorate due to these changes in the Glenny rear yard. He respectfully asked the Board to deny Mr. Glenny the requested variance.

There being no additional comment the public hearing was closed.

After Board discussion regarding other possible locations on the site for the shed, and the potential adverse impact the shed in its current location would have on the Hodges' property, Mr. Glenny withdrew his application rather than risking denial by the Board.

OLD BUSINESS – None

NEW BUSINESS – None

There being no further business before the Board the meeting adjourned at 4:50 p.m.

Respectfully submitted,

William O. Kafes, Chairman